

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

RYAN LAMBERT,
Plaintiff,

v.

**AMERICAN PIZZA PARTNERS LP, et
al,**

Defendants.

6:22-CV-00782-ADA-JCM

**ORDER ADOPTING MAGISTRATE
JUDGE'S REPORT AND RECOMMENDATION**

Before the Court is the Report and Recommendation of United States Magistrate Judge Jeffrey C. Manske. ECF No. 14. The Report recommends that this Court deny Defendants' Motion to Dismiss Plaintiff's First Amended Complaint (ECF No. 11). The Report and Recommendation was filed on March 15, 2023.

A party may file specific, written objections to the proposed findings and recommendations of the magistrate judge within fourteen days after being served with a copy of the report and recommendation, thereby securing *de novo* review by the district court. 28 U.S.C. § 636(b); Fed. R. Civ. P. 72(b). A district court need not consider “[f]rivolous, conclusive, or general objections.” *Battle v. U.S. Parole Comm’n*, 834 F.2d 419, 421 (5th Cir. 1987) (quoting *Nettles v. Wainwright*, 677 F.2d 404, 410 n.8 (5th Cir. 1982) (en banc), *overruled on other grounds by* *Douglass v. United States Auto. Ass’n*, 79 F.3d 1415 (5th Cir. 1996)).

Defendant filed objections on March 29, 2023. ECF No. 16. The Court has conducted a *de novo* review of the motion to dismiss, the responses, the report and recommendation, the objections to the report and recommendation, and the applicable laws. After that thorough

review, the Court is persuaded that the Magistrate Judge's findings and recommendation should be adopted.

IT IS THEREFORE ORDERED that the Report and Recommendation of United States Magistrate Judge Manske, ECF No. 14, is **ADOPTED**.

IT IS FURTHER ORDERED that Defendant's objections are **OVERRULED**.

IT IS FURTHER ORDERED that Defendant's Motion to Dismiss (ECF No. 11) is **DENIED** in accordance with the Report and Recommendation.

SIGNED this 4th day of April, 2023.



ALAN D ALBRIGHT
UNITED STATES DISTRICT JUDGE